

### **Remarks/Arguments**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed October 24, 2008. Claims 1-19, 58-61, 64-67, and 73-79 are rejected.

In this Amendment, claims 1, 6-8, 58, 67, and 76 have been amended. Claims 11, 19, 61, 66, and 74 have been cancelled. No claims have been added. It is respectfully submitted that the amendment does not add new matter.

Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents.

### **Examiner Interview**

Applicants thank the Examiner for the courtesy of a telephone interview on January 21, 2009 in which the claims were discussed. Applicants initiated a request for an interview with the Examiner to discuss possible distinctions between the combination of Tam '116 (U.S. Patent Publication 2002/0184116), Tam '656 (U.S. Patent Publication 2002/0147656), McIntyre (U.S. Patent Publication 2005/0114232), and the claims of the present application.

In the discussion Applicants focused on clarifying the real-time and dynamic image serving capabilities of the present application. The Examiner suggested amending the claims to focus on the photo finishing features of the application. The Examiner further suggested that inclusion of features found in several of the dependent claims may assist in overcoming the current rejections, and that resulting combinations of features (in both the amended independent claims as well as the resulting dependent claims) may further assist in overcoming the current rejections.

### **Claim Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 6-8 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have accordingly amended claims 6-8 to recite "a given unique identifier" to clarify what the given unique identifiers of claim 6-8 refer to the unique identifiers of claim 1. In light of the amendments, Applicants respectfully request withdrawal of the rejection of claims 6-8.

**Claim Rejections under 35 U.S.C. §103(a)**

The Examiner has rejected claims 1-9, 16, 58-61, 67 and 76-79 under 35 U.S.C. § 103(a) as being unpatentable over Tam et al., Publication No. US2002/0184116, (hereinafter "Tam '116" in view of Tam et al., Publication No. US2002/0147656, (hereinafter "Tam '656"), and further in view of McIntyre et al., US2005/0114232, (hereinafter "McIntyre"). Applicants respectfully disagree.

Tam '116 describes a data structure for holding product information (Tam '116, Abstract). Sellers create electronic catalogs, by specifying products, identifying those products by stock number or a universal product code (UPC), and supplying an image of the product (Tam '116, paragraphs [0034-0036]). After creating a catalog, the seller then uploads the entire catalog to one or more aggregators (Tam '116, paragraphs [0018-0019]). Aggregators then distribute the catalogs to potential buyers (Tam '116, paragraphs [0022]). Tam '116, therefore, describes the generation and distribution of product catalogs prior to buyer requests.

Tam '656 describes the sales transactions resulting from the catalogs generated in Tam '116. As in Tam '116, sellers create catalogs, upload those catalogs to aggregators, which in turn distribute those catalogs to buyers (Tam '656, paragraph [0025-0026]). Buyers then purchase items from a catalog at a clearinghouse (Tam '656, paragraphs [0027-0028]). The clearinghouse then facilitates the purchase by forwarding orders to the seller or an associated fulfiller (Tam '656, paragraph [0028]).

McIntyre describes a digital camera, which when a picture is taken, captures the picture on film and generates a low resolution electronic thumbnail. The photographer may order prints and generate an electronic order form that can be transmitted to third parties. In order for photographer to share images, photographer must email the low resolution images to third parties (McIntyre, Figs. 4B and 4D). Order requests may be fulfilled with hardcopy prints after the photo film is received (McIntyre, paragraphs [0034-0035]).

Amended claim 1 recites:

An improved method for an e-commerce retailer to display and sell items of a third party comprising:

identifying each item of a third party supplier with a unique identifier, wherein a particular third party supplier provides photo-finishing services; associating the unique identifier of the item with an image for the item, said image residing on a computer maintained by the third party supplier, wherein the unique identifier is further associated with a user, at least one of the images corresponding to user photographic images;

in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party; and

in response to an order request from the user to the e-commerce retailer, for one or more items,

identifying, based at least in part on said unique identifier, each item requested, the user, and an appropriate third party supplier for each requested item,

automatically generating an order for each requested item to be transparently sent to the third party supplier, and

when the order includes items from the e-commerce retailer and user photographic images, splitting amongst the retailer and appropriate third party suppliers.

(Emphasis Added)

Tam '116 and Tam '656 describe that sellers create catalogs including particular items, images of those items, etc. The catalogs are compiled by an aggregator, which then distributes the catalogs to potential buyers. Buyers may then view images of items in a catalog and order items from the catalog through a clearinghouse. However, Tam '116 and Tam '656 only describe a catalog system in which the aggregator distributes catalogs of seller images to users. There is no hint or suggestion that the aggregator distributes user photographic images, that user photographic images are maintained at a third party supplier computer system, and that the user photographic images are provided to the user via the e-commerce retailer in response to user requests. Furthermore, users interact and place orders through an aggregator catalog in Tam '116 and Tam '656. However, Tam '116 and Tam '656 fail to teach or suggest that orders for retailer items and user photographic images may be split between the retailer and third party suppliers.

McIntyre teaches a system for generating and distributing order forms to users. That is, when a user orders photographs from a developer, an order form is generated and distributed to third parties. The third parties may then use this order form to place orders with the developer for prints. However, as described and illustrated in McIntyre, the photographer distributes low resolution thumbnails to the third parties (McIntyre, Figs. 4B and 4D). A user that personally distributes images to third parties, however, fails to teach or suggest that user photographic images are maintained at a third party supplier computer system, and that the user images are provided from the third party supplier to the user via the e-commerce retailer in response to user requests. Furthermore, McIntyre merely describes ordering print images from a designated developer (McIntyre, Figures 4A-D and 5), and thus also fails to teach or suggest that orders for retailer items and user photographic images may be split between the retailer and third party suppliers.

Therefore, a combination of Tam '116, Tam '656, and McIntyre fail to teach or suggest "in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party ... wherein a particular third party supplier provides photo-finishing services and the images correspond to user photographic images" and "in response to an order request from the user to the e-commerce retailer, for one or more items ... automatically generating an order for each requested item to be transparently sent to the third party supplier, and wherein a particular third party supplier provides photo-finishing services and at least some the images correspond to user photographic images, and wherein an order including items from the e-commerce retailer and user photographic images is split amongst the retailer and appropriate third party suppliers," as claimed by the Applicants.

The Examiner states that a combination of Tam '116, Tam '656, and McIntyre fail to teach or suggest "a particular third party supplier provides photo-finishing services and the images correspond to user photographic images" and "an order including items

from the retailer and items from one or more third party suppliers is split amongst the retailer and the appropriate third party suppliers" (Office Action, mailed 10/24/08, pages 9-10 and pages 10-15). The Examiner therefore relies on a combination of Tam '116, Tam '656, and McIntyre, with Baum (US 2002/0065741, hereinafter "Baum"), and a combination of Tam '116, Tam '656, and McIntyre, with Johnson (US 6,505,172, hereinafter "Johnson").

Baum teaches a system for ordering and distributing digital images (Baum, page 8, paragraphs 78-80; Figure 4). If a user wants prints of a digital image, they must connect to a service provider, personally upload their prints, and then place an order (Baum, paragraph 0006-0011). The order may then be fulfilled and physical prints mailed to third parties specified by the user (Baum, Figure 3B).

Johnson teaches a system that enables a user to search at least two catalogues for items to purchase (Johnson, column 2, lines 51-60). When a user selects an item, the system obtains the corresponding prices for the items from the catalogs (Johnson, column 10, lines 22-55). The user may then purchase the items according to the obtained price, and the orders are sent to the appropriate distributor for the corresponding catalogue (Johnson, column 15, line 39 to column 16, line 15).

Applicants respectfully submit that Baum and Johnson fail to remedy the shortcomings of Tam '116, Tam '656, and McIntyre discussed above.

Baum teaches a system for ordering and distributing digital images, where users are required to place orders and then transmit their images to a server (Baum, page 8, paragraphs 6-11; 78-80; Figure 4). Merely transmitting images to a server, however, fails to teach or suggest user photographic images maintained at a third party supplier computer system, and that the user photo images are provided from the third party supplier to the user via the e-commerce retailer in response to user requests. Furthermore, the concept of order splitting is completely absent from Baum, and thus Baum also fails to teach or suggest "an order including items from the retailer and user photographic images is split amongst the retailer and the appropriate third party suppliers," as claimed.

Johnson teaches a catalog searching architecture and requisition system. When a user searches a catalog for products, and then selects one or more of the products,

information is transmitted to a requisition system for order fulfillment (Johnson, column 10, lines 22-55). Johnson, however, is directed to providing and fulfilling orders for scientific instruments (*See* Johnson Appendix I-X), and fails to teach or suggest user photographic images maintained at a third party supplier computer system, and that the user images are provided from the third party supplier to the user via the e-commerce retailer in response to user requests. Although Johnson notes that requisitions for multiple items may have to be supplied from different supplier inventories (Johnson, column 15, lines 39-54), merely sending orders to different distributors fails to teach or suggest that "an order including items from the retailer and user photographic images is split amongst the retailer and the appropriate third party suppliers," as claimed.

Therefore, Applicants respectfully submit that Baum and Johnson fail to remedy the shortcomings of Tam '116, Tam '656, and McIntyre, and a combination of Tam '116, Tam '656, McIntyre, Baum, and Johnson fails to teach or suggest "in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party ... wherein a particular third party supplier provides photo-finishing services and the images correspond to user photographic images" and "in response to an order request from the user to the e-commerce retailer, for one or more items ... automatically generating an order for each requested item to be transparently sent to the third party supplier, and wherein a particular third party supplier provides photo-finishing services and at least some the images correspond to user photographic images, and wherein an order including items from the e-commerce retailer and user photographic images is split amongst the retailer and appropriate third party suppliers," as claimed.

Thus, a combination of Tam '116, Tam '656, McIntyre, Baum, and Johnson, alone or in combination, fail to render claim 1, and claims 2-9 and 16 which depend from claim 1, obvious.

Amended claim 58 recites:

A system providing an improved method for an e-commerce retailer to display and sell items of a third party, said system comprising:

an e-commerce retailer to identify each item of a third party supplier with a unique identifier, wherein an item of a third party supplier includes at least one graphic image and corresponds to a photo finishing service offered to a user, the unique identifier associated, at least in part, with the user;

an image server module for receiving user information requests from the e-commerce retailer regarding certain third party supplier items including a user-initiated information request from the user for at least one specific item of the third party, and transparently providing images and descriptions of said items retrieved from a computer maintained by the third party supplier in response to user information requests at least some graphic images being based on photographs previously taken by the user; and

an order engine module, in communication with said image server module, for processing orders for third party supplier items, the order engine module further for splitting orders that include items from the e-commerce retailer and items corresponding to user photographs from one or more third party suppliers amongst the e-commerce retailer and appropriate third party suppliers.

(Emphasis Added)

As discussed above, with respect to claim 1, Tam '116, Tam '656, McIntyre, Baum, and Johnson fail to teach or suggest identifying user photographic images maintained at a third party supplier computer system, that the user images are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer and third party suppliers. Because claim 58 claims "an image server module for receiving user information requests from the e-commerce retailer regarding certain third party supplier items including a user-initiated information request from the user for at least one specific item of the third party, and transparently providing images and descriptions of said items retrieved from a computer maintained by the third party supplier in response to user information requests" and "wherein the items include graphic images corresponding to photo-finishing services offered to a user, at least some graphic images being based on photographs previously taken by the user, and wherein the order engine module splits orders that include items from the e-commerce retailer and items corresponding to user photographs from one or more third party suppliers amongst the e-commerce retailer and appropriate third party suppliers," claim 58 is not obvious over Tam '116, Tam '656, McIntyre, Baum, and Johnson whether taken alone or in combination. Furthermore,

claims 59-61 depend from claim 58, and include additional features and limitations. Thus, claims 59-61 are also not anticipated by Tam '116, Tam '656, and McIntyre.

Amended claim 67 recites:

A computer readable medium that provides instructions, which when executed on a processing system, cause said processing system to perform a method comprising:

- identifying each item of a third party supplier with a unique identifier;
  - associating the unique identifier of the item with an image for the item, said image residing on a computer maintained by the third party supplier, wherein the unique identifier is further associated with a user;
  - transparently presenting, by an e-commerce system, third party supplier items to a user for on-line commerce;
  - receiving user information requests at the e-commerce system regarding certain graphic images from an item presentation program logic, and providing digital images for display wherein said digital images are retrieved from a computer system maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party;
  - splitting orders that include items from the e-commerce system and items from one or more third parties suppliers amongst the e-commerce system and the appropriate third party suppliers, wherein a particular third party supplier provides photo-finishing services for the graphic images and at least some the items include user photographic images; and
  - processing orders for graphic images to be transparently sent to the appropriate third party supplier.
- (Emphasis Added)

As discussed above, with respect to claim 1, Tam '116, Tam '656, McIntyre, Baum, and Johnson fail to teach or suggest identifying user photographic images are maintained at a third party supplier computer system, that the user images are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer and third party suppliers. Because claim 67 claims "receiving user information requests at the e-commerce system regarding certain graphic images from an item presentation program logic, and providing digital images for display wherein said digital images are retrieved from a computer system maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party" and "splitting orders that include items from the e-commerce system and items from one or more third parties suppliers amongst the e-



commerce system and the appropriate third party suppliers, wherein a particular third party supplier provides photo-finishing services for the graphic images and at least some the items include user photographic images," claim 67 is not obvious over a combination of Tam '116, Tam '656, McIntyre, Baum, and Johnson.

Amended claim 76 recites:

A computer readable medium that provides instructions, which when executed on a processing system, cause said processing system to perform a method comprising:

identifying, with a tagging logic, each item of a third party supplier with a unique identifier, each unique identifier associated with data about that item and a user wherein a particular third party supplier provides photo-finishing services; transparently presenting, with an e-commerce logic, at least some of the items to the user for on-line commerce in response to a user-initiated information request for a third party supplier item;

retrieving the data, with an XML request logic, about the one or more items from a third party supplier website, and enabling the e-commerce logic to present the data to the user for the on-line commerce; and

splitting an order amongst the e-commerce retailer and appropriate third party suppliers when the order includes items from a retailer and user photographic images;

processing orders for items with an order engine.

(Emphasis Added)

As discussed above, with respect to claim 1, Tam '116, Tam '656, McIntyre, Baum, and Johnson fail to teach or suggest identifying user photographic images are maintained at a third party supplier computer system, that the user images are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer and third party suppliers. Because claim 76 claims "transparently presenting, with an e-commerce logic, at least some of the items to the user for on-line commerce in response to a user-initiated information request for a third party supplier item [and] retrieving the data, with an XML request logic, about the one or more items from a third party supplier website, and enabling the e-commerce logic to present the data to the user for the on-line commerce" and "wherein a particular third party supplier provides photo-finishing services and at least some the items correspond to user photographic images, and wherein an order including items from a retailer and user photographic images is split amongst the e-commerce retailer and appropriate third party suppliers,"

claim 76, and claims 77-79 which depend therefrom, are not obvious over a combination of Tam '116, Tam '656, McIntyre, Baum, and Johnson.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-9, 16, 58-61, 67 and 76-79 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116 in view of Tam '656.

The Examiner rejects claims 10-12, 17, 64 and 75 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116 AND TAM 1656, in view of McIntyre, and further in view of Baum, Publication No. US2002/0065741, (hereinafter "Baum"). Applicants respectfully disagree.

As discussed above, with respect to independent claims 1, 58, and 67, Tam '116 Tam '656, McIntyre, Baum, and Johnson fail to teach or suggest identifying user photographic images maintained at a third party supplier computer system, that the user images are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer and third party suppliers. Therefore, Tam '116 Tam '656, McIntyre, Baum, and Johnson, alone or in combination fail to render claims 1, 58, and 67, and thus dependent claims 10-12, 17, 64 and 75, obvious.

Applicants respectfully request that the Examiner withdraw the rejection of claims 10-12, 17, 64 and 75 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116 in view of Tam '656, further in view of McIntyre, and further in view of Baum.

The Examiner rejects claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116 and Tam '656, in view of McIntyre, and further in view of Garfinkle, Patent No. US 6,017,157, (hereinafter "Garfinkle"). Applicants respectfully disagree.

As discussed above, with respect to independent claim 1, Tam '116, Tam '656, McIntyre, Baum, and Johnson fail to teach or suggest identifying user photographic images are maintained at a third party supplier computer system, that the user images are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer and third party suppliers. Garfinkle describes an access code that identifies a photographer's digital images, as well as particular image server where the images are stored (Garfinkle, Column 4, lines 6-20). The photographer may then order print copies

of the uploaded digital images from a pre-selected fulfillment center utilizing the photographer's access code (Garfinkle, Column 9, lines 8-13; Column 9, lines 26-41). Thus, because Garfinkle merely discusses distributing a photographer identifying their own images and a server that stores those images, Garfinkle also fails to describe or suggest "in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party ... wherein a particular third party supplier provides photo-finishing services and the images correspond to user photographic images" and "in response to an order request from the user to the e-commerce retailer, for one or more items ... automatically generating an order for each requested item to be transparently sent to the third party supplier, and wherein a particular third party supplier provides photo-finishing services and at least some the images correspond to user photographic images, and wherein an order including items from the e-commerce retailer and user photographic images is split amongst the retailer and appropriate third party suppliers," as recited in claim 1. Therefore, Tam '116, Tam '656, McIntyre, Baum, Johnson, and Garfinkle, alone or in combination fails to render claim 1, and thus dependent claim 13, obvious.

Applicants respectfully request that the Examiner withdraw the rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116, in view of Tam '656, further in view of McIntyre, and further in view of Garfinkle.

The Examiner rejects claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116 and Tam '656, in view of McIntyre, and further in view of Lyons et al., Publication No. US2002/0077937, (hereinafter "Lyons"). Applicants respectfully disagree.

As discussed above, with respect to independent claims 1, Tam '116, Tam '656, McIntyre, Baum, and Johnson, fail to teach or suggest identifying user photographic images maintained at a third party supplier computer system, that the user images are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer

and third party suppliers. Lyons describes a system where a user buys goods online and picks up goods at a selected pickup location (Lyons, Abstract; page 6, paragraphs 50-52). If the goods are available at a pickup location, a message is sent to the seller indicating that such goods are available (Lyons, page 5, paragraph 50). However, Lyons does not address a third party supplier maintaining user photographic images or splitting orders. Thus, Lyons also fails to describe or suggest "in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party ... wherein a particular third party supplier provides photo-finishing services and the images correspond to user photographic images" and "in response to an order request from the user to the e-commerce retailer, for one or more items ... automatically generating an order for each requested item to be transparently sent to the third party supplier, and wherein a particular third party supplier provides photo-finishing services and at least some the images correspond to user photographic images, and wherein an order including items from the e-commerce retailer and user photographic images is split amongst the retailer and appropriate third party suppliers," as recited in claim 1. Therefore, Tam '116, Tam '656, McIntyre, Baum, Johnson, and Lyons, alone or in combination fails to render claim 1, and thus dependent claim 14, obvious.

Applicants respectfully request that the Examiner withdraw the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116, in view of Tam '656, further in view of McIntyre, and further in view of Lyons.

The Examiner rejects claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116 and Tam '656, in view of McIntyre, and further in view of Shmueli et al., Publication No. US2002/0143637, (hereinafter "Shmueli"). Applicants respectfully disagree.

As discussed above, with respect to independent claims 1, Tam '116, Tam '656, McIntyre, Baum, and Johnson, fail to teach or suggest identifying user photographic images are maintained at a third party supplier computer system, that the user images

are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer and third party suppliers. Shmueli describes a system for facilitating multiple shopping sessions at multiple websites with a portable device that retains and utilizes information from the multiple shopping sessions (Shmueli, page 6, paragraphs 61-65). However, Shmueli does not address a third party supplier maintaining user photographic images or splitting orders. Thus, Shmueli also fails to describe or suggest "in response to a product request from the user to the e-commerce retailer, the e-commerce retailer presenting at least some of the images of third party supplier items to the user for on-line commerce, said images being retrieved from said computer maintained by the third party supplier in response to the product request, the product request being a user-initiated request for at least one specific item of the third party ... wherein a particular third party supplier provides photo-finishing services and the images correspond to user photographic images" and "in response to an order request from the user to the e-commerce retailer, for one or more items ... automatically generating an order for each requested item to be transparently sent to the third party supplier, and wherein a particular third party supplier provides photo-finishing services and at least some the images correspond to user photographic images, and wherein an order including items from the e-commerce retailer and user photographic images is split amongst the retailer and appropriate third party suppliers," as recited in claim 1. Therefore, Tam '116, Tam '656, McIntyre, Baum, Johnson, and Shmueli, alone or in combination fail to render claim 1, and thus dependent claim 15, obvious.

Applicants respectfully request that the Examiner withdraw the rejection of claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116, in view of Tam '656, further in view of McIntyre, and further in view of Shmueli.

The Examiner rejects claims 18, 19, 65, 66, 73 and 74 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116 and Tam '656, in view of Johnson et al., Patent No. US 6,505,172, (hereinafter "Johnson"). Applicants respectfully disagree.

With respect to independent claims 1, 58, and 67, as discussed above, Tam '116, Tam '656, McIntyre, Baum, and Johnson fail to teach or suggest identifying user photographic images are maintained at a third party supplier computer system, that the

user images are provided to the user via the e-commerce retailer in response to user requests, and orders for retailer items and user photographic images may be split between the retailer and third party suppliers. Therefore, Tam '116, Tam '656, McIntyre, Baum, and Johnson, alone or in combination fail to render claims 1, 58, and 67, and thus dependent claims 18-19, 65-66, and 73-74, obvious.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 18-19, 65-66, and 73-74 under 35 U.S.C. § 103(a) as being unpatentable over Tam '116, in view of Tam '656, further in view of McIntyre, and further in view of Johnson.

### **Conclusion**

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith A. Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 24, 2009

\_\_\_\_\_  
/Judith Szepesi/  
Judith A. Szepesi  
Reg. No. 39,393

Customer No. 08791  
1279 Oakmead Parkway  
Sunnyvale, CA 94085  
(408) 720-8300